UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

OPENAI, INC.,   25-md-3143 (SHS) (OTW)

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This Document Relates To:

No. 1:23-cv-11195 (SHS) (OTW)

<u>**DECLARATION OF JENNIFER B. MAISEL**</u>

I, Jennifer B. Maisel, pursuant to 28 U.S.C. § 1746, declare as follows:

1.   I am an attorney at Rothwell, Figg, Ernst & Manbeck, P.C., which represents Plaintiffs The New York Times Company ("The Times") and Daily News, LP et al. ("Daily News") (collectively, the "News Plaintiffs") in this case. I submit this declaration on behalf of News Plaintiffs in support of News Plaintiffs' Memorandum in Opposition to OpenAI's Rule 72(a) Objection to Magistrate Judge Wang's Output Log Preservation Order.[1] I have personal knowledge of the facts set forth in this declaration. If called as a witness, I could and would competently testify as to these facts under oath.

2.   Attached as Exhibit A is a true and correct copy of OpenAI's January 21, 2025 blog post titled "Announcing The Stargate Project," available at https://openai.com/index/announcing-the-stargate-project/.

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[1] This motion is filed on behalf of News Plaintiffs The New York Times Company ("The Times"), the *Daily News* Plaintiffs, and the Center for Investigative Reporting.

3.   Attached as Exhibit B is a true and correct copy of OpenAI's June 5, 2025 blog post titled "How we're responding to the New York Times's data demands in order to protect user privacy," available at https://openai.com/index/response-to-nyt-data-demands/.

4.   Attached as Exhibit C is a true and correct copy of a posts on X by Sam Altman on June 5, 2025, available at https://x.com/sama/status/1930785054005076100.

5.   Attached as Exhibit D is a true and correct copy of a June 4, 2024 letter sent by OpenAI   to   the   United   States   Copyright   Office,   available   at https://www.copyright.gov/policy/artificial-intelligence/ex-parte-communications/letters/OpenAI-June-4-2024.pdf.

6.   Attached as Exhibit E is a true and correct copy of the complaint in *A&M Records, Inc. v. Napster, Inc.*, No. 99-cv-5183 (N.D. Cal. 1999).

7.   Attached as Exhibit F is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_0773577-OPCO_NEWS_0773582.

8.   Attached as Exhibit G is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_0904706-OPCO_NEWS_0904707.

9.   Attached as Exhibit H is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_0999054-OPCO_NEWS_0999055.

10.   Attached as Exhibit I is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_1003380-OPCO_NEWS_1003381.

11.   Attached as Exhibit J is a true and correct copy of a document produced by OpenAI bearing bates number OPCO_NEWS_0765633.

12.   Attached as Exhibit K is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_0788778-OPCO_NEWS_0788780.

13.   Attached as Exhibit L is a true and correct copy of a January 2023 paper titled "Generative Language Models and Automated Influence Operations: Emerging Threats and Potential Mitigations," available at https://arxiv.org/pdf/2301.04246.

14.   Attached as Exhibit M is a true and correct copy of OpenAI's July 2020 paper titled "Language Models are Few-Shot Learners," available at https://arxiv.org/pdf/2005.14165.

15.   Attached as Exhibit N is a true and correct copy of OpenAI's March 2023 GPT-4 Technical Report, available at https://arxiv.org/pdf/2303.08774.

16.   Attached as Exhibit O is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_0822236-OPCO_NEWS_082242.

17.   Attached as Exhibit P is a true and correct copy of OpenAI's March 31, 2025 blog post titled "New funding to build towards AGI," available at https://openai.com/index/march-funding-updates/.

18.   Attached as Exhibit Q is a true and correct copy of the Joint Discovery Submission Regarding Dispute As to Sampling Protocol to Address Publishers' RFP Nos. 50-51, filed at Dkt. 341 in *Concord Music Group, Inc., et al., v. Anthropic PBC,* No. 24-cv-03811 (Apr. 30, 2025).

19.   Attached as Exhibit R is a true and correct copy of a document produced by OpenAI bearing bates numbers OPCO_NEWS_1042221-OPCO_NEWS_1042226.

Executed on June 17, 2025

/s/ Jennifer Maisel
Jennifer B. Maisel